



DOCKET NO. 17437CON2(AP)  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of  
Woodward et al

Group Art Unit: 1614

Serial No: 10/672,499  
Conf. No. 3536

Examiner: Zohreh A. Fay

Filed: September 26, 2003

For: EP<sub>4</sub> AGONISTS AS AGENTS FOR  
LOWERING INTRAOCULAR PRESSURE

Commissioner for Patents  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Dear Sir:

The owner, Allergan, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 and 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent Nos. 6,410,591 and 6,767,920 (hereinafter "Patents"). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the Patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the Patents, as presently shortened by any terminal disclaimer, in the event that either of said Patents later: expires

12/30/2004 JBA/INH 00000123 010885 10672499  
01 FC:1814 130.00 DA

for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Date: 12/22/04

By: RJ Baran

ROBERT J. BARAN  
Assistant General Counsel

ALLERGAN, INC.

X Please charge the terminal disclaimer fee under 37 CFR 1.20(d) to Account No. 01-0885. A duplicate of this terminal disclaimer is enclosed.

X PTO suggested wording for terminal disclaimer was unchanged.

Please direct all correspondence to:

Robert J. Baran (T2-7H)  
Attorney of Record  
ALLERGAN, INC.  
2525 Dupont Drive  
Irvine, CA 92612  
Telephone: 714/246-4669  
Telecopier: 714/246-4249

CERTIFICATE OF MAILING	
I HEREBY CERTIFY THAT THIS TRANSMITTAL IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE FOR FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: BOX AMENDMENT-FEE, ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231 ON THE DATE INDICATED BELOW.	
DEPOSITOR'S NAME PRINTED: <u>BONNIE FERGUSON</u>	Date: <u>12/22/2004</u>
Signature: <u>Bonnie Ferguson</u>	